IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 1376/2005
(Smt. Chanda Devi V/s Mohan Lal)

Date of Order : 22/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.S.Chouhan, for the petitioner.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 24.10.2005 passed by learned Additional Sessions Judge, Nathdwara (for short 'the revisional court' hereinafter) whereby the revision petition filed by the non-petitioner against the order dated 24.8.2005 passed by Additional Chief Judicial Magistrate, Nathdwara (for short 'the trial court' hereinafter), was allowed and the order dated 24.8.2005 passed by the trial court was set aside.

I have heard learned counsel for the petitioner. Carefully gone through the orders passed by the trial court as

well as the revisional court.

The trial court on an application filed by the petitioner under Section 125 Cr.P.C., granted monthly allowance of maintenance at the rate of Rs.750/- in favour of the petitioner and against the non-petitioner. That order came to the challenged by the non-petitioner before the revisional Court. The revisional Court on re-appreciation of the evidence, by a well reasoned order, came to the conclusion that the petitioner herself without reasonable and probable cause deserted the non-petitioner. The revisional Court has relied on statement of the mother DW-3 Nani Bai and daughter DW-4 Vijayanta of the petitioner. Both, mother and daughter of the petitioner speak against the petitioner and stated that the petitioner herself left the matrimonial home without there being reasonable and probable cause and have started living with Jagdish Gurjar at Salore. The petitioner failed to explain in her statement the circumstances in which she deserted her husband non-petitioner and started living with a stranger namely Jagdish Gurjar. A certificate issued by Sarpanch of village Salore supports the statement of DW-3 Nani Bai and DW-4 Vijayanta, mother and daughter of the petitioner. In the circumstances, therefore, I find no error, illegality or perversity in the order of the revisional court warranting interference in the inherent jurisdiction. It

cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court.

The petition has no force and is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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